

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44229-2017 (O&M)

Date of decision: 29.11.2018

Vikash

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rao Ajender Singh, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Arshdeep Singh, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.261 dated 31.08.2017, registered under Sections 307 and 34 of the Indian Penal Code (for short 'IPC') and Section 25 of Arms Act, 1959 at Police Station Khol, District Rewari and subsequent proceedings arising therefrom on the basis of compromise dated 15.11.2017 (Annexure P-2).

In the present case, the FIR was registered on the statement of Manjit son of Naresh Kumar. Now, dispute between the parties has been resolved.

Vide order dated 22.11.2017, the parties were directed to appear before the learned trial court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Rewari wherein it has been reported that

statements of the parties have been recorded and compromise entered between

the parties is genuine, valid, voluntarily and without any pressure or influence from any side.

Learned counsel for the State has not disputed that the parties i.e. petitioners, respondent No.2 (complainant) and respondent No.3, have arrived at a settlement with an intent to give burial to their differences.

Vikash received the injuries and he himself filed the petition for quashing of the FIR on the ground that now compromise has been effected. It is a case of the prosecution that Ravi and Sandeep fired 4-5 shots towards Sandeep and one bullet hit in the thigh of complainant. However, Sandeep ran away from the spot.

In this situation, liability of the petitioner qua offence under Section 307 IPC is not made out as he is not having the intention to cause injuries to petitioner-Vikash rather, he fired a shot towards Sandeep.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed and FIR No.261 dated 31.08.2017, registered under Sections 307 and 34 IPC and Section 25 of Arms Act, 1959 at Police Station Khol, District Rewari and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

November 29, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

: yes/no
: yes/no